

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDEMNITY INSURANCE CO. OF
NORTH AMERICA,

- against - Plaintiff,

C.U. TRANSPORT, INC., et al.,

Defendants.

And Five Related Cases

06 Civ. 13439 (RPP)
07 Civ. 00959
07 Civ. 01357
07 Civ. 02562
07 Civ. 03104
07 Civ. 03180

DEFENDANTS, YANG MING MARINE
TRANSPORT CORP.'S AND YANG MING
(AMERICA) CORP.'S NOTICE OF MOTION
TO DISMISS THE CLAIMS AGAINST THEM
ON GROUND OF A MANDATORY AND
EXCLUSIVE FOREIGN FORUM SELECTION
AGREEMENT

Please take notice that defendants, YANG MING MARINE TRANSPORT CORP. and YANG MING (AMERICA) CORP., will move this Court at the U.S. Courthouse at 500 Pearl Street, New York, NY, before the Hon. Robert P. Patterson, U.S.D.J., for an order:

A. Dismissing the claims against defendant, YANG MING MARINE TRANSPORT CORP. on grounds of a mandatory and exclusive foreign forum selection agreement; and

B. Dismissing the claims against defendant, YANG MING (AMERICA) CORP., on grounds that it had no involvement in the transactions, occurrences or events sued on, or in the alternative, on grounds of the said mandatory and exclusive foreign forum selection agreement.

Please take further notice that your answering papers and opposing memoranda must be served and filed within the time provided for in Local Civil Rule 6.1(b).

Dated: New York, NY
July 31, 2007

CICHANOWICZ CALLAN KEANE VENGROW
& TEXTOR, LLP, 61 Broadway, Ste. 3000
New York, NY 10006 – Tel. 212-344-7042

By: /s/ Paul M. Keane
Paul M. Keane [PK-5934]
Attorneys for Defendants, YANG MING MARINE
TRANSPORT CORP. & YANG MING (AM.) CORP.